

Docket No.: S9903.0002  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Letters Patent of:  
Paula S. Fried, et al.

Patent No.: RE38,945

Issued: January 24, 2006

For: DENTAL IMPLANTS AND METHODS FOR  
EXTENDING SERVICE LIFE

---

**REQUEST FOR EXPEDITED CERTIFICATE OF CORRECTION  
PURSUANT TO 37 C.F.R. § 1.322 AND MPEP § 1480.01**

Attention: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

Upon reviewing the above-identified reissue patent, Patentee notes the following errors made by the U.S. Patent Office which require correction.

**In the claims:**

In claim 1, lines 17-18, please delete "at least one indentation penetrating [at least one] of said proximal surface" and replace with --at least one indentation penetrating [at least one of] said proximal surface--.

In claim 14, lines 16-19, please delete "*a recess extending into said proximal surface, said recess having a bottom wall including an opening that communicates with said axial hole,*" and replace with --*a recess extending into said proximal surface, said recess having a bottom wall including an opening that communicates with said axial hole,*--.

In claim 15, line 25, please delete "*A dental implant as in claim 16,*" and replace with --  
*A dental implant as in claim 14,*--.

In claim 16, line 27, please delete "*A dental implant as in claim 16,*" and replace with --  
*A dental implant as in claim 14,*--.

In claim 18, line 33, please delete "*A dental implant as in claim 19,*" and replace with --  
*A dental implant as in claim 17,*--.

In claim 19, line 35, please delete "*A dental implant as in claim 16,*" and replace with --  
*A dental implant as in claim 14,*--.

In claim 20, line 37, please delete "*A dental implant as in claim 16,*" and replace with --  
*A dental implant as in claim 14,*--.

In claim 21, line 39, please delete "*A dental implant as in claim 16,*" and replace with --  
*A dental implant as in claim 14,*--.

In claim 22, line 41, please delete "*A dental implant as in claim 16,*" and replace with --  
*A dental implant as in claim 14,*--.

After Claim 22, please insert the following claims 23 to 27:

23. *A dental implant for insertion in the jaw bone of a patient, comprising:  
an elongated body having a longitudinal axis and an axial hole, said body having a proximal surface generally transverse to said longitudinal axis,  
a boss extending from said proximal surface, said boss having a transverse face, generally axially extended side surfaces, and a polygonal cross section as viewed along said axis, and  
opposing slots penetrating said transverse face of said boss, said slots being of substantially equal width and mutually aligned with one another.*
24. *A dental implant as in claim 23, wherein the end of said elongated body having said proximal surface is enlarged relative to the rest of said elongated body.*

*25. A dental implant as in claim 24, wherein said elongated body is substantially cylindrical, and includes a screw thread circumscribing its exterior.*

*26. A dental implant as in claim 25, wherein said polygonal cross section is a regular polygon having sides of equal length.*

*27. A dental implant as in claim 26, wherein said regular polygon is a square.*

### **REMARKS / SUPPORT FOR PATENTEE'S ASSERTIONS**

Pursuant to 37 C.F.R. §1.322 and MPEP §1480.01, Patentee respectfully submits that all of the errors noted herein are attributable solely to the Office, and respectfully requests a Certificate of Correction be expedited in light of the following evidence of record in the above-noted reissue application.

Claim 1 is being corrected to remedy an error in the placement of the ending bracket for the text as deleted in the May 5, 2005 Amendment filed by patentee. A copy of the May 5, 2005 Amendment is attached as Exhibit 1.

Claim 14 is being corrected to amend a typographical error in the words "proximal" and "communicates." These words were spelled correctly in the version allowed by the Examiner in the May 5, 2005 Amendment (Exhibit 1).

Allowed dependent claims 15, 16 and 18-22 require a correction to the indicated dependency thereof, and to correct a misspelling of the word "claim" in claim 15. Each of allowed dependent claims 15, 16 and 18-22 were examined as claims 17, 18 and 27, 20, 26, 28 and 29, respectively, and ultimately depended from independent claim 16 during reissue examination. See May 5, 2005 Amendment; Exhibit 1. Upon allowance, the allowed dependent claims were renumbered by the Examiner as claims 15, 16 and 18-22, respectively. A copy of the Index of Claims placed in the file by the Examiner on May 16, 2005, showing the renumbering of these allowed dependent claims, is attached as Exhibit 2.

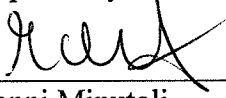
This request further corrects the omission of claims 23-27, which were allowed by the Examiner, but were not printed on the reissue patent. Specifically, claims 23-27 were submitted in a October 28, 2004 Preliminary Amendment (Exhibit 3) as claims 21-25. These claims were allowed by the Examiner on May 16, 2005 (Exhibit 4), and renumbered as claims 23-27, respectively (see Exhibit 2).

Transmitted herewith is a proposed Certificate of Correction effecting the changes noted herein. Patentee respectfully solicits an expedited granting of a Certificate of Correction pursuant to 37 C.F.R. §1.322 and MPEP §1480.01.

No fee is believed due for this filing as all errors are believed to be attributable solely to the Office. In the event a fee is required, the Patent Office is authorized to charge any fee to Deposit Account No. 04-1073.

Dated: May 19, 2009

Respectfully submitted,

By   
Gianni Minutoli

Registration No. 41,198  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006  
(202) 420-2200  
Attorneys for Applicants

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 3

PATENT NO. : RE38,945  
APPLICATION NO. : 09/667,827  
ISSUE DATE : January 24, 2006  
INVENTOR(S) : Paula S. Fried, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**In the claims:**

In claim 1, lines 17-18, please delete "at least one indentation penetrating [at least one] of said proximal surface" and replace with --at least one indentation penetrating [at least one of] said proximal surface--.

In claim 14, lines 16-19, please delete "*a recess extending into said priximal surface, said recess having a bottom wall including an opening that communicats with said axial hole,*" and replace with --*a recess extending into said proximal surface, said recess having a bottom wall including an opening that communicates with said axial hole,*--.

In claim 15, line 25, please delete "*A dental implant as in cliam 16,*" and replace with --*A dental implant as in claim 14,*--.

In claim 16, line 27, please delete "*A dental implant as in claim 16,*" and replace with --*A dental implant as in claim 14,*--.

In claim 18, line 33, please delete "*A dental implant as in claim 19,*" and replace with --*A dental implant as in claim 17,*--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Gianni Minutoli  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006-5403

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 2 of 3

PATENT NO. : RE38,945  
APPLICATION NO. : 09/667,827  
ISSUE DATE : January 24, 2006  
INVENTOR(S) : Paula S. Fried, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**In the claims:**

In claim 19, line 35, please delete "*A dental implant as in claim 16,*" and replace with --*A dental implant as in claim 14,*--.

In claim 20, line 37, please delete "*A dental implant as in claim 16,*" and replace with --*A dental implant as in claim 14,*--.

In claim 21, line 39, please delete "*A dental implant as in claim 16,*" and replace with --*A dental implant as in claim 14,*--.

In claim 22, line 41, please delete "*A dental implant as in claim 16,*" and replace with --*A dental implant as in claim 14,*--.

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**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 3 of 3

PATENT NO. : RE38,945  
APPLICATION NO. : 09/667,827  
ISSUE DATE : January 24, 2006  
INVENTOR(S) : Paula S. Fried, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**In the claims:**

After claim 22, please insert the following claims 23-27:

23. *A dental implant for insertion in the jaw bone of a patient, comprising:  
an elongated body having a longitudinal axis and an axial hole, said body  
having a proximal surface generally transverse to said longitudinal axis,  
a boss extending from said proximal surface, said boss having a transverse  
face, generally axially extended side surfaces, and a polygonal cross section as viewed  
along said axis, and  
opposing slots penetrating said transverse face of said boss, said slots being of  
substantially equal width and mutually aligned with one another.*
24. *A dental implant as in claim 23, wherein the end of said elongated body having  
said proximal surface is enlarged relative to the rest of said elongated body.*
25. *A dental implant as in claim 24, wherein said elongated body is substantially  
cylindrical, and includes a screw thread circumscribing its exterior.*
26. *A dental implant as in claim 25, wherein said polygonal cross section is a regular  
polygon having sides of equal length.*
27. *A dental implant as in claim 26, wherein said regular polygon is a square.*

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DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006-5403

## **EXHIBIT 1**



NO. 0110 P. 1

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Comments:		

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NO. 0110 P. 2

MAY 05 2005

Docket No. 099488-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT Re-Issue application of	) Confirmation No.: 1694
U.S. Patent No. 5,810,590	) Art Unit: 3732
Paula S. FRIED et al.	) Examiner: Cary E. O'Connor
Application No.: 09/667,827	)
Filed: September 22, 2000	)
For: DENTAL IMPLANTS AND METHODS	) DATED: May 5, 2005
FOR EXTENDING SERVICE LIFE	

**SUPPLEMENTAL AMENDMENT PURSUANT TO 37 C.F.R. § 1.173(B)(2)  
FOR A REISSUE APPLICATION**

**MAIL STOP REISSUE**

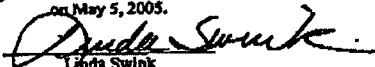
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further in response to the Office Action mailed January 14, 2005, please amend this application as follows:

**CERTIFICATE OF FAX TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (571) 273-4715 AND (703) 872-9306, on May 5, 2005.

  
Linda Swink

W6370261

Atty Docket No. 99488-2

U.S. Serial No. 09/667,827  
Amendment Under 37 CFR 1.173(b)(2)  
for Reissue Application  
Response to OA dated Jan. 14, 2005

**IN THE CLAIMS:**

Please amend the claims as indicated below:

1. (Four Times Amended): A dental implant for insertion in the jaw bone of a patient, comprising:

an elongated body having a longitudinal axis and a proximal surface generally transverse to said longitudinal axis,

a boss extending from said proximal surface, said boss having a transverse face, generally axial extended side surfaces, and a non-round cross section as viewed along said axis,

at least one indentation penetrating [at least one of] said proximal surface of said body and said transverse face of said [implant] boss, said at least one indentation being adapted to engage an insertion device or at least one protrusion of a dental prosthesis or an abutment so as to fix the position of the prosthesis or abutment relative to said implant.

16. (Amended): A dental implant for insertion in the jaw bone of a patient, comprising:

an elongated body having a longitudinal axis and an axial hole, said body having a proximal end that terminates in a proximal surface that is generally transverse to said longitudinal axis,

a recess extending into said proximal surface, said recess having a bottom wall including an opening that communicates with said axial hole, and smooth, generally axial extended side surfaces, and

a plurality of slots penetrating said proximal surface and axially extending only part way down said side surfaces toward said bottom wall, said slots being adapted to engage an insertion device or at least one protrusion of a dental prosthesis or abutment so as to fix the position of the abutment or crown relative to said implant.

Atty Docket No. 99488-2

U.S. Serial No. 09/667,827  
Amendment Under 37 CFR 1.173(b)(2)  
for Reissue Application  
Response to OA dated Jan. 14, 2005

17. (Amended) A dental implant as in claim 16, wherein said body includes an enlarged end.

18. (Amended): A dental implant as in claim 16, wherein said recess includes a beveled surface.

19. (Amended): A dental implant as in claim 16, wherein said elongated body includes screw threads around its exterior beneath said enlarged end, and a diameter of said enlarged end is greater than a diameter of said screw threads.

20. (Amended): A dental implant as in claim 16, wherein said recess has curved side surfaces.

Please add the following new claims:

26. A dental implant as in claim 16, wherein said slots have flat sides that intersect in substantially right angles.

27. A dental implant as in claim 19, wherein said enlarged end includes a circular flange.

28. A dental implant as in claim 16, wherein said bottom wall of said recess is substantially planar.

29. A dental implant as in claim 16, wherein said axial hole is threaded.

U.S. Serial No. 09/667,827  
Amendment Under 37 CFR 1.173(b)(2)  
for Reissue Application  
Response to OA dated Jan. 14, 2005

Atty Docket No. 99488-2

**REMARKS**

This Supplemental Amendment places into proper form the Amendment filed on March 25, 2005. Applicants' attorney respectfully requests that this Supplemental Amendment replace the Amendment filed March 25, 2005. If any extension fees are required, the USPTO is authorized to charge to the attorneys Deposit Account No. 19-2380 any fees due for such extensions.

As required by 37 CFR §1.173(c), the status of the claims is as follows::

Claims 1, 12 and 15	pending original claims amended
Claims 2-11	pending original claims
Claims 13 and 14	canceled original claims
Claims 16-25	new claims amended
Claims 26-29	new claims

Claims 1-12, 15 and 21-25 have been indicated as allowable by the Examiner in previous Office Actions. This Amendment corrects a minor typographical error in claim 1 by deleting "of," and further amends claims 16-20 to define around the prior art, as discussed in detail below.

The rejection of the claims under 37 CFR § 1.175(B)(1) has been obviated by the filing of a Supplemental Reissue Declaration via facsimile on January 6, 2005. An additional Supplemental Reissue Declaration signed by both inventors will be filed in a Supplemental Response to cover the presently amended claims.

Applicant's attorney acknowledges with gratitude the interview granted by Examiner O'Connor and held on March 22, 2005. The claims have been amended in conformance with a suggestion made by the Examiner at the interview as to how to render them patentable over the prior art of record. In particular, claim 16 now recites a dental implant for insertion into

,w37026,1

Page 4 of 6

U.S. Serial No. 09/667,827  
Amendment Under 37 CFR 1.173(b)(2)  
for Reissue Application  
Response to OA dated Jan. 14, 2005

Atty Docket No. 99488-2

the jaw bone of a patient that comprises an elongated body, a longitudinal axis and an axial hole and a proximal surface generally transverse to said longitudinal axis and a recess extending into the proximal surface, and

"a plurality of slots penetrating said proximal surface and axially extending only part of way down said side surfaces toward said bottom wall, ..."

Claim 16 now defines over the Gersberg '892 patent, whose striations 8 in the cylindrical cavity of the implant extend all the way to the bottom wall of the cavity.

Support for amended claim 16 is present in column 13, lines 58-65 in combination with column 10, lines 16-20. These portions of the specification are reproduced herein below for the convenience of the Examiner. Column 13, lines 58-65 reads as follows:

It should also be understood that a reversal of features is intended to fall within the inventions scope. Thus any boss cross-section which has been described as protruding from the flange surface 44 may also be formed (and viewed in the Figures) as a recess in the surface 44. In such a construction the mating crown or abutment is fabricated with a correspondingly shaped protrusion (or protrusions) that seat(s) in the recess (or recesses). (Emphasis added.)

Column 10, lines 16-20 reads as follows:

The slot 94' may penetrate in depth into the upper surface 100 of the boss 92, as illustrated with the solid lines in FIG. 10a. On the other hand, the slot depth may be extended (not shown) substantially, even into the flange 45, that is, below the surface 44 of the flange 45. (Emphasis added.)

Reading these two sections of the specification together, if the boss 92 is viewed as a recess, it is clear that the slots 94' do not have to penetrate the entire length of the recess, since they

Atty Docket No. 99488-2

U.S. Serial No. 09/667,827  
Amendment Under 37 CFR 1.173(b)(2)  
for Reissue Application  
Response to OA dated Jan. 14, 2005

do not have to penetrate the entire length of the boss. Thus, amended claim 16 is well supported by the specification.


As the Kwan '197 and Krauser '475 patents were cited for features which have been deleted from claim 16, no further discussion of these references is deemed necessary.

Claims 17-20 and new claims 26-29 are patentable at least by reason of their dependency upon amended claim 16.

Now that all the claims are believed to be allowable, the prompt issuance of a Notice of Allowability is hereby earnestly solicited.

The Commissioner is authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 19-2380 (099488-2).

Respectfully submitted,

  
Thomas W. Cole  
Registration No. 28,290

NIXON PEABODY LLP  
Customer No. 22204  
401 9<sup>TH</sup> Street N.W. Suite 900  
Washington, D.C. 20004-2128  
(202) 585-8000  
(202) 585-8080 (fax)

## **EXHIBIT 2**



# Index of Claims



Application No.

09/667,827

Examiner

Cary E. O'Connor

Applicant(s)

FRIED ET AL.

Art Unit

3732

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

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## **EXHIBIT 3**

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**Nixon Peabody LLP**  
Attorneys at Law

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Washington, D.C. 20004-2128  
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<b>Comments:</b>  <u>Filed Herewith:</u>  <b>RE: Re-Issue Patent Application</b> <b>Serial No. 09/667,827</b> <b>USP 5,810,590:</b>  <b>Preliminary Amendment Pursuant to 37 CFR 1.173(B)(2) for a Re-Issue Application</b>		

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NO. 1291 P. 2

Docket No. 099488-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Re-Issue application of

U.S. Patent No. 5,810,590

Paula S. FRIED et al.

Application No.: 09/667,827

Filed: September 22, 2000

For: DENTAL IMPLANTS AND METHODS  
FOR EXTENDING SERVICE LIFE

)

) Art Unit: 3732

)

) Examiner: Cary E. O'Connor

)

) Confirmation No.: 1694

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (703)  
872-9306, on October 29, 2004.

*Linda Swink*  
Linda Swink

PRELIMINARY AMENDMENT  
PURSUANT TO 37 C.F.R. § 1.173(B)(2)  
FOR A RE-ISSUE APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please preliminarily amend this continuation re-issue application by the addition of  
new claims 16-25 as attached.

Amendments to the claims are reflected in the listing of claims which begins on  
page 2 of this paper.

Remarks start on page 7 of this paper.

U.S. Serial No. 09/667,827  
Atty. Docket: 099488-2  
Preliminary Amendment

**LISTING OF CLAIMS:**

Please add new claims 16-25 as indicated below:

16. (New): A dental implant for insertion in the jaw bone of a patient comprising:  
an elongated body having a longitudinal axis and an axial hole, said body having an enlarged end that terminates in a proximal surface generally transverse to said longitudinal axis,  
a recess extending into said proximal surface, said recess having a transverse face including an opening that communicates with said axial hole, and generally axial extended side surfaces, and  
a plurality of slots penetrating said proximal surface and axially extending at least part way down said side surfaces toward said transverse face, said slots being adapted to engage an insertion device or at least one protrusion of a dental prosthesis or abutment, so as to fix the position of the abutment or crown relative to said implant.
17. (New): A dental implant as in claim 16, wherein said enlarged end of said elongated body is a flange.
18. (New): A dental implant as in claim 16, wherein said recess includes a bevel.
19. (New): A dental implant as in claim 16, wherein said elongated body includes screw threads beneath said enlarged portion that substantially covers the exterior of said body.
20. (New): A dental implant as in claim 16, wherein said recess is substantially cylindrical in shape.
21. (New): A dental implant for insertion in the jaw bone of a patient comprising:  
an elongated body having a longitudinal axis and an axial hole, said body having a proximal surface generally transverse to said longitudinal axis;

U.S. Serial No. 09/667,827  
Atty. Docket: 099488-2  
Preliminary Amendment

a boss extending from said surface, said boss having a transverse face generally axially extended side surfaces, and a polygonal cross section as viewed along said axis, and opposing slots penetrating said transverse face of said boss, said slots being of substantially equal width and mutually aligned with one another.

22. (New): A dental implant as in claim 21, wherein the end of said elongated body having said proximal surface is enlarged relative to the rest of said elongated body.

23. (New): A dental implant as in claim 22, wherein said elongated body is substantially cylindrical, and includes a screw thread circumscribing its exterior.

24. (New): A dental implant as in claim 23, wherein said polygonal cross section is a regular polygon having sides of equal length.

25. (New): A dental implant as in claim 24, wherein said regular polygon is a square.

U.S. Serial No. 09/667,827  
Atty. Docket: 099488-2  
Preliminary Amendment

### REMARKS

As is required by 37 CFR §1.173(c), the status of the claims is as follows:

Claims 1, 12 and 15	pending original claims amended
Claims 2-11	pending original claims
Claims 13 and 14	canceled original claims
Claims 16-25	new claims

Claims 1-12 and 15 have been indicated as allowable by the Examiner in the previous

#### Office Action.

New Claim 16 finds support in the original specification on column 10, lines 16-21; column 13, lines 57-65 and in Figures 10a and 10b. The recited recess of this claim is present when boss 92 of Figures 10a and 10b is interpreted as a recess in accordance with column 13, lines 57-65. The recited slots and their relative recited depths find support on column 10, lines 16-21. New claim 16 also finds support in Figure 19k when read in conjunction with column 13, lines 57-65. New claims 17 and 18 find support in the flange 45 and bevel 93 disclosed in Figures 10a and 10b. New claims 19 and 20 are similarly supported by Figures 10a, 10b and Figure 19k. New claims 21-25 are supported by Figures 10a, 10b and 11.

Examination of new claims 16-25 on the merits is respectfully requested. A

Supplemental Re-issue Application Declaration signed by the inventors will be filed shortly.

OCT. 28. 2004 3:58PM

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NO. 1291 P. 6

Page 5

U.S. Serial No. 09/667,827  
Atty. Docket: 099488-2  
Preliminary Amendment

The Commissioner is authorized to charge any deficiencies or credit any overpayment  
to Deposit Account No. 19-2380 (099488-2).

Respectfully submitted,

  
Thomas W. Cole  
Registration No. 28,290

NIXON PEABODY LLP  
401 9<sup>TH</sup> Street N.W. Suite 900  
Washington, D.C. 20004-2128  
(202) 585-8000  
(202) 585-8080 (fax)



## **EXHIBIT 4**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

22204 7590 05/16/2005  
NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON, DC 20004-2128

EXAMINER

O'CONNOR, CARY E

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 05/16/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,827	09/22/2000	Paula S. Fried	099488-000002	1694

TITLE OF INVENTION: DENTAL IMPLANTS AND METHODS FOR EXTENDING SERVICE LIFE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	08/16/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

**CURRENT CORRESPONDENCE ADDRESS** (Note: Use Block 1 for any change of address)

22204 7590 05/16/2005  
**NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON, DC 20004-2128**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,827	09/22/2000	Paula S. Fried	099488-000002	1694

**TITLE OF INVENTION: DENTAL IMPLANTS AND METHODS FOR EXTENDING SERVICE LIFE**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	08/16/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
O'CONNOR, CARY E	3732	433-172000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

## 4a. The following fee(s) are enclosed:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.  
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,827	09/22/2000	Paula S. Fried	099488-000002	1694
22204	7590	05/16/2005	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			O'CONNOR, CARY E	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 05/16/2005

## Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

A reissue patent is for "the unexpired part of the term of the original patent." See 35 U.S.C. 251. Accordingly, the above-identified reissue application is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/667,827	FRIED ET AL.	
	Examiner	Art Unit	
	Cary E. O'Connor	3732	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to supplemental declaration filed 4/18/05, applicant's amendments filed 3/ 25/05 and 5/5/05.
2. ☒ The allowed claim(s) is/are 1-12 and 15-29.
3. ☒ The drawings filed on 22 September 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>31505.41805</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                  | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

  
 Cary E. O'Connor  
 Primary Examiner  
 Art Unit: 3732

Docket No.: S9903.0002  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Letters Patent of:  
Paula S. Fried, et al.

Patent No.: RE38,945

Issued: January 24, 2006

For: DENTAL IMPLANTS AND METHODS FOR  
EXTENDING SERVICE LIFE

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**REQUEST FOR CERTIFICATE OF CORRECTION  
PURSUANT TO 37 C.F.R. § 1.323**

Attention: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

Upon reviewing the above-identified reissue patent, Patentee noted a typographical error which should be corrected.

**In the claims:**

In claim 17, line 29, please delete "*A dental implant as in claim 16,*" and replace with --*A dental implant as in claim 15,*--.

The inadvertent typographical error in the dependency of reissued claim 17 was found in the Amendment as filed by applicant on May 5, 2005. Specifically, in the May 5, 2005 Amendment, applicant indicated that pending claim 19 (which was renumbered as reissued claim 17) should depend from pending claim 16 (which was renumbered as reissued claim 14). However, pending claim 19 should have depended from pending claim 17 (which was renumbered as reissued claim 15).

Please charge our Credit Card in the amount of \$100.00 covering the fee set forth in 37 C.F.R. § 1.20(a). Credit Card Payment Form SB-2038 is transmitted herewith.

The error now sought to be corrected is an inadvertent typographical error the correction of which does not involve new matter or require reexamination.

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073.

Dated: May 19, 2009

Respectfully submitted,

By 

Gianni Minutoli

Registration No. 41,198  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006  
(202) 420-2200  
Attorneys for Applicants

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : RE38,945  
APPLICATION NO. : 09/667,827  
ISSUE DATE : January 24, 2006  
INVENTOR(S) : Paula S. Fried, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**In the claims:**

In claim 17, line 29, please delete "*A dental implant as in claim 16,*" and replace with --*A dental implant as in claim 15,*--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Gianni Minutoli  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006-5403